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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF TRANSPORT AND SHIPPING

(Transport Wing)

RESOLUTION

New Delhi, the 8th September 1967

No. 23-PLA(59)/7.—By the Ministry of Labour and Employment Order No. 28 92/64-LRIV, dated the 19th March, 1966, the Government of India constituted a Court of Enquiry, which Shri Salim M. Merchant as sole Member, under clause (b) of sub-section (1) of section 10 of the said Act and referred to him the matter specified in the following schedule:

SCHEDULE

“To enquire into the terms and conditions of service of ‘B’ category workmen at the Calcutta Port and other major ports and having regard *inter alia* to the Resolution of the Government of India in the Ministry of Transport and Communications (Department of Transport) No. 23-PLA(87)/58 dated the 20th July 1958 on the report of the Officer on Special Duty appointed to enquire into the demands of Port and Dock Workers published in the Gazette of India Extraordinary Part I, Section I on the 21st July 1958 to recommend to the Government to what extent and in what manner the terms and conditions of service of the aforesaid ‘B’ category workmen should be improved.”

By letter No. 28(92)/64/LRIV dated the 15th April, 1966, the Ministry of Labour and Employment in reply to a query from the Court clarified that the enquiry should relate to the terms and conditions of service of 'B' category workers at the five Major Ports of Calcutta, Bombay, Madras, Vishakhapatnam and Cochin.

3. Later, the Government of India by Notification No. 28(92)/64-LRIV, dated the 4th November, 1966 was pleased to refer to Shri Salim M. Merchant as the sole Member of the Court of Enquiry the subject matters specified in the following schedule:

SCHEDULE

"To enquire into the terms and conditions of service of 'C' category workmen of the major ports and having regard *inter alia* to the Resolution of the Government of India in the Ministry of Transport and Communications (Department of Transport) No. 23-PLA(87)/58 dated the 20th July 1958 on the report of the Officer on Special Duty appointed to enquire into the demands of Port and Dock Workers published in the Gazette of India Extraordinary Part I, Section I on the 21st July 1958 to recommend to the Government to what extent and in what manner the terms and conditions of service of the aforesaid 'C' category workmen should be improved."

4. The Government of India have received the Report of the Court of Enquiry. The Report has been published in the Gazette of India Extraordinary Part II Section 3(ii) dated the 19th August, 1967 under S.O. 2867 at pages 1365 to 1423.

5. The Government of India have decided that the recommendations made by the Court of Enquiry should be accepted. As a result of this decision the following additional concessions will be extended to 'B' and 'C' category workers at Major Ports in India:—

(1) *Attendance money for 'B' category workmen.*—The 'B' category workmen, who report for duty but are not provided with work, will be paid an attendance allowance of Rs. 1.75 per call from the 1st October, 1967. There will, however, be no separate Dearness Allowance on this amount of attendance allowance.

(2) *Privilege leave.*—The 'B' category workmen will be granted privilege leave at the rate of one day for every seventeen days of attendance calculated with effect from the 1st January, 1967. This rate of leave will be applicable to all workmen who have completed one year's service in the 'B' category. The privilege leave will be allowed to be accumulated to the extent of the entitlement for three years.

(3) *Sick leave.*—Sick leave for fourteen days on half pay or for seven days on full pay will be given to 'B' category workmen in a year, calculated from the 1st January, 1967. Accumulation will be permitted up to eightyfour days on half pay or fortytwo days on full pay.

(4) *Casual leave.*—Five days' casual leave in a year will be given to 'B' category workmen from the 1st January, 1968. This leave will not be taken as of right but will be availed of only in emergent and unforeseen circumstances. There would be no accumulation of casual leave.

(5) *Paid holidays.*—Five paid holidays will be given to both the 'B' and 'C' category workmen in a year, out of which three would be the National holidays, namely Republic Day, Independence Day and Mahatma Gandhi's Birth Day. The other two holidays will be fixed by the port administrations, in consultation with the Unions but ultimately at their discretion, depending upon the importance of the local festivals. This will be effective from the 1st October, 1967.

(6) *Gratuity.*—A scheme of Gratuity on the lines of the Bombay Port Trust's Gratuity Scheme for its temporary employees under the Bombay Port Terminal Benefits (Temporary Service) Rules will be applied to 'B' category workmen from the 1st October, 1967.

In the event of promotion of a 'B' category workman to 'A' category prior to retirement or the occurrence of the event entitling him to terminal gratuity, the period of his service in 'B' category will count for the purposes of the grant to him of the benefits under the Pension-cum-Retirement Gratuity in the 'A' category.

In the case of shore workers who have previously been promoted to 'B' category or who may now be promoted from 'C' to 'B' category, previous service as 'C' category workmen in excess of four continuous years, will also count as if it were service in 'B' category for the purposes of the benefits of Gratuity under this scheme.

(7) *Medical facilities and housing.*—'B' category workmen in all major ports will have the same facilities as the 'A' category workmen, except that the latter will have prior claim with regard to the benefits of housing and medical aid.

(8) *Promotion to 'A' category.*—All vacancies occurring hereafter in 'A' category at the ports of Bombay, Madras, Cochin and Vishakhapatnam, because of natural wastage or other causes will be filled by promotion of the seniormost workmen in the 'B' register to the vacancies so caused. In the case of the Port of Calcutta, 520 workmen in the existing 'B' category will be promoted to 'A' category according to seniority with effect from the 1st October, 1967 but the workers to be promoted will have to work, wherever necessary, i.e. both at the various jetties and at the docks. The composition of the gangs to be formed out of the workers to be promoted to 'A' category at Calcutta would be left to the Calcutta Port Commissioners.

(9) *Abolition of AI category in Vishakhapatnam Port.*—The designation 'AI' category at Vishakhapatnam Port will be abolished and all the workmen who are in the category 'AI' will, from the date they were put in that category, be treated as permanent workers belonging to 'A' category and be given all the benefits which 'A' category workmen are entitled to.

(10) *House rent allowance for 'B' category workmen in Calcutta Port.*—House Rent allowance for 'B' category workmen in Calcutta Port will be increased to Rs. 15/- per month from the 1st October, 1965.

(11) *Uniforms for 'B' category workmen in the Calcutta Port.*—The 'B' category shore workers in Calcutta Port will be supplied with one woollen jersey once in three years, the first supply being made in November, 1967.

(12) *Roster Off.*—When leave or any holiday granted to 'B' category workmen on any day on which the booking of this category of workmen is closed in the normal course, intervenes in the period of six days immediately preceding the rest day, the non-attendance on that day will not constitute a break for the purpose of entitlement to the roster off with wages.

(13) *Recommendations with regard to 'C' category workmen.*—(i) On completion of four years continuous service in the 'C' category, the 'C' category workmen will automatically be promoted to the 'B' category and start getting the service benefits which the 'B' category workmen would be entitled to. This shall not, however, be applicable to the Port of Calcutta.

(ii) Except in the case of the Port of Calcutta, the number of 'C' category workmen shall be limited to 15 per cent of the total number made up of 'A', 'B' and 'C' categories.

If, after promoting all eligible 'C' category workmen to 'B' category, the number of workmen left in 'C' category is in excess of 15 per cent of the total number of 'A', 'B' and 'C' categories, such excess will continue to be retained in the 'C' category until, in the ordinary course, the strength in 'C' category comes down to the required level.

(iii) The question of employment, remuneration and service conditions of 'C' category workmen shall be reviewed at the end of four years.

6. Where any existing service condition or conditions are better and more favourable to the workmen than those which have been mentioned above, the existing conditions will continue to apply.

7. The Government of India hereby records its appreciation of the work done by Shri Salim M. Merchant in connection with the enquiry entrusted to him.

ORDER

Ordered that a copy of the Resolution be communicated to the interests concerned and that it be published in the Gazette of India for general information.

E. KOLET, Jt. Secy.